



**U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

DATE PREPARED 9-7-78

RE: C. LEE JOHNSON
CASE NO. 78-TLC-148

MATTER IS ON APPEAL BY EMPLOYER, C. LEE JOHNSON, MARION, NEW YORK, OF A DENIAL OF TEMPORARY LABOR CERTIFICATION BY THE REGIONAL ADMINISTRATOR.

APPEAL WAS RECEIVED ON AUGUST 29, 1978, AND THE PERTINENT CASE FILE WAS RECEIVED IN THIS OFFICE ON AUGUST 31, 1978.

EMPLOYER FILED A TEMPORARY LABOR CERTIFICATION APPLICATION FOR 18 WORKERS. THE RECORD SHOWS THAT CREW LEADER NEWLON LLOYD WITH 18 WORKERS HAD BEEN RECRUITED INTERSTATE AND 3 WORKERS WERE RECRUITED LOCALLY. PURSUANT TO 20 C.F.R. 655.206(a)(1), TEMPORARY LABOR CERTIFICATION APPLICATION OF EMPLOYER WAS DENIED ON AUGUST 22, 1978, BECAUSE ENOUGH DOMESTIC LABOR WAS AVAILABLE ACCORDING TO RECORD FILE.

THE RECORD SUPPORTS THE REGIONAL ADMINISTRATOR'S DECISION.

THIS IS THE FINAL DECISION OF THE DEPARTMENT OF LABOR IN THIS MATTER. FURTHER REVIEW MAY BE OBTAINED BY FILING A PETITION WITH THE DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE IN THE EMPLOYER'S GEOGRAPHICAL AREA PURSUANT TO 8 C.F.R. 214.2(h)(3)(i). THIS DECISION IS BEING TRANSMITTED TO C. LEE JOHNSON, THE REGIONAL ADMINISTRATOR, THE ADMINISTRATOR OF THE U.S. EMPLOYMENT SERVICE, THE ASSOCIATE SOLICITOR FOR EMPLOYMENT AND TRAINING AND THE DIRECTOR OF THE IMMIGRATION AND NATURALIZATION SERVICE.

JOHN M. BODLEY
Hearing Officer
U.S. Department of Labor